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ILLINOIS  
COMMERCE  
COMMISSION

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

APR 3 11 43 AM '01

BEFORE THE

CHIEF CLERK'S OFFICE **Illinois Commerce Commission**

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DOCKET NO. 00-0789✓  
01-0046

IN THE MATTER OF:

CITY OF CHICAGO  
PEOPLE OF COOK COUNTY

Petition for Emergency Rulemaking  
and Expedited Investigation

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PLACE: Chicago, Illinois

DATE: March 7, 2001

PAGES: 1--29

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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )

CITY OF CHICAGO, PEOPLE OF )  
COOK COUNTY )

) No. 00-0789  
Petition for Emergency ) Consolidated with  
Rulemaking and Expedited )  
Investigation. )

----- )  
PATRICK QUINN )

) No. 01-0046  
Petition to the Members of the )  
Illinois Commerce Commission )  
Pursuant to Section 5-145(b) )  
of the Illinois Administrative )  
Procedure Act. )

Chicago, Illinois  
March 7, 2001

Met pursuant to notice at 1:00 p.m.

BEFORE:

MS. ERIN O'CONNELL-DIAZ, Administrative Law  
Judge.

1 APPEARANCES:

2 MR. PATRICK QUINN  
3 676 North LaSalle Street, Suite 326  
4 Chicago, Illinois 60610  
5 Appearing pro se;

6 MR. STEVEN G. REVETHIS and  
7 MR. ANDREW G. HUCKMAN  
8 160 North LaSalle Street, Suite C-800  
9 Chicago, Illinois 60601  
10 Appearing for ICC staff;

11 MR. GERARD T. FOX and  
12 MR. TIMOTHY P. WALSH  
13 130 East Randolph Drive, 23rd Floor  
14 Chicago, Illinois 60601  
15 Appearing for The Peoples Gas Light and  
16 Coke Company and North Shore Gas Company;

17 SCHIFF, HARDIN & WAITE, by  
18 MS. LAURA B. WEINBERG  
19 6600 Sears Tower  
20 Chicago, Illinois 60606  
21 Appearing for Illinois Power;

22 MR. RONALD D. JOLLY  
30 North LaSalle Street, Suite 900  
Chicago, Illinois 60602  
Appearing for the City of Chicago;

MAYER, BROWN & PLATT, by  
MR. STEPHEN J. MATTSON  
190 South LaSalle Street  
Chicago, Illinois 60603  
Appearing for Nicor Gas;

MS. LEIJUANA DOSS and  
MS. MARIE SPICUZZA  
69 West Washington Street, Suite 700  
Chicago, Illinois 60602  
Appearing for the People of Cook County;

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DEFREES & FISKE, by  
MR. W. MICHAEL SEIDEL  
200 South Michigan Avenue, Suite 1100  
Chicago, Illinois 60604  
Appearing for Central  
Illinois Light Company;

MR. THOMAS M. BYRNE  
1901 Chouteau  
St. Louis, Missouri 63103  
Appearing via telephone for  
Union Electric Company;

MS. KAREN HUIZENGA  
106 East Second  
Davenport, Iowa 52801  
Appearing via telephone for  
MidAmerican Energy Company.

SULLIVAN REPORTING COMPANY, by  
Giraida B. Bordabeheres, CSR

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I N D E X

Re- Re- By

Witnesses:      Direct Cross direct cross Examiner

None

E X H I B I T S  
Number      For Identification      In Evidence

None marked.

1 JUDGE O'CONNELL-DIAZ: Pursuant to the direction  
2 of the Illinois Commerce Commission, I now call  
3 Dockets 00-0789 and 01-0046, and this is the City of  
4 Chicago, People of Cook County, petition for  
5 emergency rulemaking and expedited investigation.  
6 Additionally, Patrick Quinn, petition to the members  
7 of the Illinois Commerce Commission pursuant to  
8 Section 5-145(b) of the Illinois Administrative  
9 Procedures Act.

10 May I have the appearances, please.

11 MS. DOSS: Leijuana Doss appearing on behalf of  
12 the People of Cook County, 69 West Washington, Suite  
13 700, Chicago, Illinois 60602.

14 MR. HUCKMAN: Steven G. Revethis and Andrew G.  
15 Huckman for the staff of the Illinois Commerce  
16 Commission, 160 North LaSalle Street, Suite C-800,  
17 Chicago, Illinois.

18 MR. WALSH: On behalf of the Peoples Gas Light  
19 and Coke Company and North Shore Gas Company,  
20 Gerard T. Fox and Timothy P. Walsh, 130 East  
21 Randolph Drive, Chicago, Illinois 60601.

22 MS. WEINBERG: On behalf of Illinois Power, Laura

1 Weinberg of Schiff, Hardin & Waite, 6600 Sears  
2 Tower, Chicago, 60606.

3 MR. SEIDEL: W. Michael Seidel for the law firm  
4 of Defrees & Fiske, 200 South Michigan Avenue, Suite  
5 1100, Chicago, Illinois 60604, appearing on behalf  
6 of Central Illinois Light Company.

7 JUDGE O'CONNELL-DIAZ: State your appearance.

8 MR. JOLLY: On behalf of the City of Chicago,  
9 Ronald D. Jolly, 30 North LaSalle, Suite 900,  
10 Chicago, Illinois 60602.

11 JUDGE O'CONNELL-DIAZ: On the phone?

12 MR. BYRNE: Yes, your Honor, appearing on behalf  
13 of Union Electric Company and Central Illinois  
14 Public Service Company, Thomas M. Byrne, 1901  
15 Chouteau, St. Louis, Missouri 63103.

16 MS. HUIZENGA: Karen M. Huizenga appearing on  
17 behalf of MidAmerican Energy Company, 106 East  
18 Second Street, Davenport, Iowa 52801.

19 JUDGE O'CONNELL-DIAZ: Are those all the  
20 appearances on the phone?

21 MR. BYRNE: I believe so, your Honor.

22 JUDGE O'CONNELL-DIAZ: Thank you very much.

1 Mr. Mattson.

2 MR. MATTSON: Thank you, your Honor. Northern  
3 Illinois Gas Company doing business as Nicor Gas by  
4 Stephen J. Mattson of the firm of Mayer, Brown &  
5 Platt, 190 South LaSalle Street, Chicago, Illinois  
6 60603.

7 JUDGE O'CONNELL-DIAZ: I think that's all the  
8 appearances.

9 Let the record reflect that today's  
10 hearing is for the purpose of looking towards  
11 setting a testimonial schedule in these matters.  
12 And have the parties had an opportunity to explore  
13 that among themselves?

14 MS. DOSS: Cook County has circulated a proposed  
15 schedule for evidentiary hearings. And in addition,  
16 Cook County also has a motion with respect to these  
17 consolidated proceedings and I don't know if you  
18 would like to have that motion --

19 JUDGE O'CONNELL-DIAZ: Could you please revisit  
20 that motion. I know you made it on the last hearing  
21 which was really noticed up as the 01-0046, so if  
22 you could please revisit that motion and present



1 that.

2 MS. DOSS: Cook County makes an oral motion for  
3 reconsideration of the Hearing Examiner's ruling not  
4 to issue an emergency rules based on the notice and  
5 comments that are filed in the 00-0789 docket.

6 Cook County raised many issues and  
7 proposed emergency rules which we feel the record is  
8 sufficient that the Hearing Examiner could make a  
9 ruling and issue emergency rules.

10 We would ask that the Hearing Examiner  
11 today reconsider that ruling not to go ahead and  
12 issue those rules and to proceed to evidentiary  
13 hearings.

14 JUDGE O'CONNELL-DIAZ: Any party wish to respond  
15 to Cook County's motion?

16 (No response.)

17 JUDGE O'CONNELL-DIAZ: I'm going to deny the  
18 motion and we will move forward with the testimonial  
19 schedule culminating with evidentiary hearings.

20 Ms. Doss, have you had feedback from  
21 anybody with regard to your schedule?

22 MS. DOSS: Well, your Honor, I will give you a

1 copy of our proposed schedule.

2 MS. HUIZENGA: Excuse me, your Honor, this is  
3 Karen Huizenga. We have not seen the schedule. Is  
4 there any way to at least read it?

5 JUDGE O'CONNELL-DIAZ: Yeah, I'll be happy to  
6 read it. Ms. Doss has just handed me what is  
7 entitled Cook County's Proposed Schedule for  
8 Emergency Hearings and the listings on this document  
9 are evidentiary hearings, oral testimony and closing  
10 statements, March 26 through the 29th; draft orders,  
11 April 5th; Hearing Examiner's Proposed Order, April  
12 12; briefs on exceptions, April 18th; and a proposed  
13 order before the Commission April 24th and 25th.

14 I guess, Ms. Doss, you -- this schedule  
15 does not envision filing of testimony?

16 MS. DOSS: No. Your Honor, Cook County wants  
17 this hearing to be expedited and I believe the  
18 Hearing Examiner on Friday indicated that we could  
19 keep that expedited nature as far as the hearings.  
20 Cook County has proposed -- has argued all along  
21 that these are emergency proceedings. Now that the  
22 Hearing Examiner has denied our motion to go ahead

1 and issue emergency rules without an evidentiary  
2 hearing, what I tried to do with this proposal is to  
3 find the most expedited way we could have  
4 evidentiary hearings and also allow parties to have  
5 a draft order.

6                   According to the Illinois  
7 Administrative Code, evidence does not have to be  
8 written, it can be oral. It's only a policy that  
9 prefiled testimony be done. In addition, briefs are  
10 discretionary; and if the parties agree, they can  
11 have closing statements as -- in lieu of briefs. So  
12 if parties want to agree to closing statements, then  
13 I suggest we do that on the last day of hearings on  
14 the 29th. And then parties would submit draft  
15 orders, a proposed order would be done from that,  
16 and then one round of briefs on exceptions and the  
17 Commission meets the end of April, the 24th and  
18 25th, and that's the quickest way that I have found  
19 that we can get an order before the Commission and  
20 still keep the emergency nature.

21                   Like I said, Cook County has argued all  
22 along that this is an emergency proceeding. These

1 high gas costs have been ongoing ever since the  
2 summer, since June, and consumers are suffering and  
3 they need some relief. I believe our comments and  
4 our -- if testimony is necessary, will be  
5 substantiated in the sense that these rules are  
6 necessary and need to be in place immediately.

7 JUDGE O'CONNELL-DIAZ: And with regard to the  
8 June dates, the high gas prices that you're talking  
9 about --

10 MS. DOSS: Yes.

11 JUDGE O'CONNELL-DIAZ: -- when did you file a  
12 petition?

13 MS. DOSS: We filed our petition in December;  
14 however, we were trying to work it out in settlement  
15 discussions all along. Perhaps -- I believe ever  
16 since the summer when we first found out that gas  
17 costs were rising. So it's not a matter of we  
18 haven't tried to work with the utilities; we have  
19 been doing so all along and that's why the  
20 litigation stage has culminated to this point. And  
21 we're still open to try to work out something.

22 JUDGE O'CONNELL-DIAZ: Well, I would just suggest

1 that what you have sketched out for us here is not  
2 the usual proceedings at the Commission, so,  
3 actually, what it would be, it would be like a  
4 regular circuit court trial.

5 MS. DOSS: Right, and from the Illinois  
6 Administrative Procedures Act, I can perfectly allow  
7 it under their rules. If you look at evidence under  
8 200.610, Evidence may be received orally or in  
9 writing. 200.800, Briefs are discretionary. The  
10 Hearing Examiner may require briefs under 200.800,  
11 Subsection D. By agreement, the Hearing Examiner  
12 may allow closing statements and 200.810, draft  
13 orders, the Hearing Examiner can actually require  
14 draft orders.

15 And based on those provisions, we are  
16 proposing this schedule. Again, this is the  
17 quickest way that Cook County has seen that we can  
18 have hearings done in the manner that the Hearing  
19 Examiner requested in the sense of having  
20 evidentiary testimony. And I don't know if any  
21 parties --

22 JUDGE O'CONNELL-DIAZ: You discussed this with

1 other parties?

2 MS. DOSS: Yes, we have, briefly.

3 JUDGE O'CONNELL-DIAZ: Let's get some input from  
4 the other parties.

5 Mr. Jolly.

6 MR. JOLLY: This was raised also last Friday when  
7 in our off-the-record discussion. And the City  
8 would support oral testimony. I think that the  
9 purpose of prefiled testimony is generally -- it's  
10 prefiled because it's technical nature and I don't  
11 anticipate that the testimony in this case would  
12 necessarily be technical. And, therefore, I think  
13 it's appropriate to have oral testimony and I know  
14 it's been done in past Commission cases as well.

15 MS. DOSS: Your Honor, one other point that I did  
16 forget to mention, we do have prefiled comments. So  
17 parties are aware of the issues that have been  
18 raised, so it's not like parties will go into the  
19 evidentiary hearings without any idea of what the  
20 parties will be presenting at the time of hearings.

21 JUDGE O'CONNELL-DIAZ: Mr. Fox.

22 MR. FOX: We are also aware that -- the desire to

1 expedite the proceeding, and we don't disagree with  
2 that. I'd just like to point out some problems,  
3 maybe not a solution, at this point, but one problem  
4 I see is it's oral testimony, it's not exactly  
5 clear to me that the testimony is required in which  
6 case if people choose not to put on testimony at  
7 these hearings, you're back in the same situation  
8 you were before without evidence to support  
9 something in an order.

10           The other problem is this proceeding  
11 doesn't -- this proposed schedule, there's really  
12 nothing like it, even a circuit court proceeding  
13 because-- it's because you have prefiled testimony  
14 that you forego the normal sorts of discovery  
15 procedures that would be in circuit court. We don't  
16 depose people, we don't know who the witnesses are  
17 at this point. We've got to find out who their  
18 witnesses are, we have to have an opportunity to  
19 find out what they're going to say if there's no  
20 prefiled testimony, we have to have an opportunity  
21 to depose people.

22           The other problem that I see is that

1 the -- our position in the case really varies a lot  
2 depending upon what the proposals are and,  
3 unfortunately, it's been sort of a moving target.  
4 If the State's Attorney were basically going to  
5 limit their request to what is in their petition in  
6 terms of their request for relief, that presents a  
7 very different position for us to respond to if  
8 they're asking for everything that was filed as part  
9 of their initial comments. Our position would be  
10 very different.

11           The other thing is we're envisioning  
12 four days of hearings, no prefiled testimony.  
13 Turning that around and not even briefing it, but  
14 just putting something into a draft order in a week  
15 is formidable. So I guess what I would say from our  
16 standpoint given what's happened so far in this case  
17 and still acknowledging the need to expedite things,  
18 I think we should move on the expedited fashion, but  
19 we should have direct testimony, we should have  
20 rebuttal testimony, we should have hearings and then  
21 we should have briefs. We should do all that as  
22 quickly as we can, but I really from my client's



1 standpoint, especially in light of what I see to be  
2 a moving target, I'm very uncomfortable with this  
3 proposal.

4 And another thing I guess I would just  
5 note is that we received the proposed schedule  
6 probably 10 minutes before you did.

7 MR. MATTSON: Rather than lengthen it, I will  
8 concur with Mr. Fox. I'll say that I in part agree  
9 with what Mr. Jolly says. One of the reasons for  
10 prepared written testimony is indeed because so many  
11 of the proceedings are technical in nature. But  
12 there's a second important reason that Mr. Fox laid  
13 out and that is avoidance of surprise. And by use  
14 of written testimony, which under the Commission's  
15 rules is specifically preferred, you minimize any  
16 need for discovery. So I think, actually, if you  
17 were to go the oral testimony route, by the time you  
18 got done doing the sorts of discovery you would need  
19 to do, you'd end up lengthening rather than  
20 shortening the time.

21 JUDGE O'CONNELL-DIAZ: Mr. Byrne.

22 MR. BYRNE: Yes, your Honor. Union Electric and

1 Central Illinois Public Service Company agree with  
2 Mr. Fox. We think there should be prefiled  
3 testimony. One factor no one's mentioned is  
4 although there is a need to expedite this  
5 proceeding, I think the warmer weather is coming and  
6 that's a factor that would suggest -- that we  
7 should -- that there isn't a need to rush in a way  
8 that might lead to doing something that's not the  
9 best thing. So we agree with Mr. Fox.

10 JUDGE O'CONNELL-DIAZ: Ms. Huizenga.

11 MS. HUIZENGA: Thank you, your Honor. I agree  
12 with what Mr. Fox has stated, but Mr. Byrne has  
13 stated and I want to add that to the extent the  
14 County has been discussing anything with other  
15 utilities prior to filing their petition in this  
16 case, it definitely was not with MidAmerican and, to  
17 my understanding, with the other downstate  
18 utilities. And so, therefore, we are somewhat newer  
19 to the issues and what has been requested and our  
20 response as uncomfortable what seems to be a  
21 difference between what was in the petition and what  
22 was in the first set of comments from the County as

1 to what exactly is being expected of us at this  
2 point and, therefore, we would prefer the prefiled  
3 testimony.

4 JUDGE O'CONNELL-DIAZ: Staff.

5 MR. HUCKMAN: Certainly, the staff of the  
6 Commerce Commission respects the County and State's  
7 desire to move quickly on this proceeding. We  
8 understand the urgencies that they feel. It's  
9 important to us that we adhere to the system that  
10 works very well for the Commission, prefiled  
11 testimony, which is a system that the Commission  
12 uses I will say almost without exception. There are  
13 exceptions, of course. We find that it needs to be  
14 a very clear and focused proceeding. And by the  
15 same token, it's important to us to have at least  
16 one briefing opportunity for the same reasons, to  
17 present our concerns and arguments in a clear  
18 fashion.

19 So we would ask that whatever schedule  
20 is adopted, whether it be expedited or otherwise, it  
21 include the opportunity for prefiled testimony and  
22 at least one opportunity for briefing.

1 JUDGE O'CONNELL-DIAZ: Okay. Well, given that I  
2 guess the County and the City are the only parties  
3 in favor of this proposed schedule, I am  
4 particularly concerned about the fact that there is  
5 no opportunity for discovery. I can envision that  
6 such type of hearings would be somewhat  
7 unmanageable. And as I have said, it is important  
8 for the Commission to develop a record upon which we  
9 can rely in making a review of the issues that  
10 you'll be presenting in your petition. And without  
11 that record and a clearly developed record, the  
12 Commission will be hampered in making a complete  
13 review of all parties' positions. So given that, I  
14 would suggest that this schedule that has been  
15 proposed is not acceptable. I think the purposes of  
16 setting a schedule -- what I'd like to do is to  
17 possibly go off the record and have the parties  
18 discuss amongst themselves possibly a traditional  
19 type of hearing schedule, testimonial schedule and  
20 understanding that I would like this case to move  
21 quickly and expeditiously which means -- it means  
22 just that. And I would like to get to the hearing

1 days as quickly as possible as soon as the parties  
2 prepare an agreement with regard to submitting  
3 testimony and the dates for that.

4           So I think at this juncture we'll go  
5 off the record and I will leave it to the parties to  
6 work out a schedule that is workable with all the  
7 attorneys as well as their clients and with the  
8 cautionary note that I would like this to move on  
9 the expeditious manner but certainly not in the  
10 manner of the schedule that has been proposed by the  
11 County.

12       MS. DOSS: Your Honor, Cook County would object  
13 to the ruling for the following reasons:

14           One, this was Cook County's petition  
15 and the City of Chicago's petition. Secondly, the  
16 concern about discovery and parties are free to do  
17 whatever type of discovery they want. Cook County  
18 is willing to agree as to ground rules that any  
19 testimony that be given for oral testimony be based  
20 on the comments that are already filed, so parties  
21 can raise any issues that are directly related to  
22 their comments.

1                   And, also, as was mentioned by Union  
2   Electric, warmer weather is approaching; however,  
3   bills are still escalating and we in Chicago never  
4   know how long a winter will be. Just because it's  
5   March doesn't mean that the cold weather will cease.  
6   With that concern and the concern that consumers can  
7   still be disconnected by the utilities, this is an  
8   emergency situation. An expedited schedule with  
9   oral testimony is the only way that our petition can  
10   be heard on an emergency basis without continuing  
11   the harm to consumers. So Cook County would object  
12   to the ruling.

13           JUDGE O'CONNELL-DIAZ: I've made my ruling and I  
14   think, too, County has to understand that there are  
15   other parties in this case. It certainly is your  
16   petition, but it is my job and it is the  
17   Commission's job to take anything that is filed at  
18   the Commission very seriously. And without a  
19   record, there's just no way we can look at the  
20   issues that you have caused to be presented and  
21   giving a cursory review for the purpose issuing some  
22   sort of an order is not what I think that the County

1 would even like to happen. And that, I believe, is  
2 only done by the parties submitting the testimony  
3 and having hearings and developing the record as we  
4 do in most of our dockets. So it is my job to make  
5 that call as I see it. And I believe that that is  
6 what is called for in this situation.

7 So I've made my ruling and at this  
8 point we will take a short break and I would request  
9 the parties to get out your palm pilots and booklets  
10 and figure out a schedule that is workable.

11 (Discussion off the record.)

12 JUDGE O'CONNELL-DIAZ: Mr. Quinn, your  
13 appearance, please.

14 MR. QUINN: My name is Patrick Quinn and I'm an  
15 attorney at 676 North LaSalle, Chicago, 60610; I  
16 represent myself pro se, and we now have a  
17 consolidated docket with the petition that was filed  
18 by Cook County and City of Chicago. The petition I  
19 filed had to do with credit reporting. So do we  
20 have a number that we call or do we --

21 JUDGE O'CONNELL-DIAZ: It's a consolidated docket  
22 now.

1 (Discussion off the record.)

2 JUDGE O'CONNELL-DIAZ: Pursuant to an  
3 off-the-record discussion, parties have endeavored  
4 to work out a schedule for the proceedings in this  
5 docket. Somebody tell me what that schedule is.

6 MR. JOLLY: Parties agree to direct testimony on  
7 March 30th, rebuttal testimony on April 12th,  
8 evidentiary hearings, cross-examination on April  
9 24th and 25th, and initial briefs on May 11th. And  
10 parties agree to additional briefs, slash, draft  
11 orders on May 11th and the parties agree that reply  
12 briefs aren't necessary, that we can go to a  
13 proposed order then.

14 JUDGE O'CONNELL-DIAZ: What was the direct?

15 MR. JOLLY: March 30th.

16 JUDGE O'CONNELL-DIAZ: And rebuttal was April...

17 MR. JOLLY: 12th.

18 JUDGE O'CONNELL-DIAZ: Hearings April 24th, 25th  
19 and initial briefs, slash, draft orders, May 11th?

20 MR. JOLLY: Right.

21 JUDGE O'CONNELL-DIAZ: Okay. Sounds great.

22 MR. HUCKMAN: One question that the parties were



1 discussing off the record was we were going to be  
2 submitting briefs on -- and reply briefs on the four  
3 questions that the Examiner had posed to us and I  
4 was wondering if there is going to be any product  
5 that comes from that might guide how to set the  
6 schedule.

7 JUDGE O'CONNELL-DIAZ: Well, certainly the  
8 responses to those questions, and one of them is a  
9 jurisdictional question, and I guess with regard to  
10 the second question in that those lists of  
11 questions, that that, too, could be considered as  
12 problematic for the 00-0789 docket, is particularly  
13 directed at the gas utilities. However, Part 280  
14 addresses the electric and water utilities also.  
15 And I'm just not real sure how that's reconciled, so  
16 I think I can't answer that until I see the  
17 responses to that question.

18 MR. HUCKMAN: Thank you.

19 MS. DOSS: Your Honor, for the record, the County  
20 objects to an evidentiary hearing of this nature and  
21 the scheduling.

22 JUDGE O'CONNELL-DIAZ: I think you've already

1 objected to that.

2 MS. DOSS: Well, just for the record to make sure  
3 that you're aware that Cook County does not agree  
4 with that. This is an emergency proceeding and this  
5 schedule does not reflect an emergency proceeding,  
6 that petitioners have not been allowed the  
7 opportunity to proceed in an emergency fashion of  
8 their petition as well as at least Cook County has  
9 not officially proposed.

10 JUDGE O'CONNELL-DIAZ: And as has been stated and  
11 I will state it again, when parties filed the  
12 comments, it became very clear that there needed to  
13 be a record in this matter. There is no record.  
14 There needs to be a record and in order to do that,  
15 we need to take testimony and we need to have  
16 briefing of the issues to present it. So I just  
17 want to make that real clear. And this is an  
18 expedited schedule that we're moving along.

19 MS. DOSS: I respect the fact that you believe  
20 that there's a need for evidentiary hearings;  
21 however, parties did agree to comments and notice  
22 and comments and parties have not objected to having

1 a ruling based upon notice and comments.

2 JUDGE O'CONNELL-DIAZ: Well, I would suggest that  
3 based on the comments that were filed, unless I  
4 recommend it to the Commission that the matter be  
5 dismissed, and that nothing that Cook County brought  
6 in their petition was of the nature that I thought  
7 the Commission should change the rules, without  
8 evidence, that is kind of where I might have gone.  
9 And so I think that it's important that we do have  
10 evidence in the record and I found myself in the  
11 position of needing evidence and not having a record  
12 and I think that it's imperative because there were  
13 issues that were brought out in those comments that  
14 pointed to the fact that there needs to be a record.  
15 And so it would have been a lot easier to just  
16 dispose of the matter with an order to the  
17 Commission and it be done with. But I think that  
18 the petition that you have brought and Mr. Quinn  
19 also, they present serious issues that the  
20 Commission would like to look at but the only  
21 parameters that we're going to look at it is in a  
22 record. And if you don't have a record, I don't

1 know really what we're looking at except a bunch of  
2 comments filed by a lot of attorneys.

3 MS. DOSS: Well, again, I believe our petition  
4 has merit and that's why it wasn't dismissed and it  
5 would have -- and we would have -- and could have  
6 had a decision made.

7 JUDGE O'CONNELL-DIAZ: Okay. All right. Do the  
8 parties feel that we need to have a status prior to  
9 the hearings on the 24th?

10 MR. JOLLY: It seems that the only issue might be  
11 with respect to if you would need some more on those  
12 four questions.

13 JUDGE O'CONNELL-DIAZ: And if I deem that  
14 appropriate, then I would send out a notice setting  
15 that on status.

16 JUDGE O'CONNELL-DIAZ: Okay. Then this matter --  
17 these matters, I should say, are now continued to  
18 April 24th for hearing. Additionally, due to the  
19 expedited time frame that this docket has been  
20 afforded, I would note that the filing dates that  
21 are included in the schedule are in-hand dates to  
22 the parties. If the parties want to work out some

1 sort of e-mail filing, that's fine, but those are  
2 in-hand dates so that there's no time lost with  
3 things going in the mail and things of that nature.

4           Additionally, I would endeavor that the  
5 parties get together and figure out a testimonial  
6 schedule for the days of the hearings. I don't know  
7 if there's -- I assume there's going to be people  
8 from out of town, so you need to make those type of  
9 arrangements, and that way we'll have an idea of how  
10 our day will go on the 24th and 25th.

11       MR. REVETHIS: What would you prefer for a  
12 starting time on the 24th?

13       JUDGE O'CONNELL-DIAZ: We can start at 9:30,  
14 10:00 o'clock. Anybody?

15       MR. MATTSON: 10:00 o'clock sounds civilized.

16       JUDGE O'CONNELL-DIAZ: I think 10:00 o'clock  
17 sounds good because you can all get to your offices  
18 and get your witnesses. So 10:00 o'clock on the  
19 24th.

20           Mr. Fox, you had a comment?

21       MR. FOX: I was just going to ask you the time.

22       JUDGE O'CONNELL-DIAZ: Okay. Anything else we

1 need to address?

2 MS. HUIZENGA: Just off the record, MidAmerican  
3 would like to order a transcript.

4 JUDGE O'CONNELL-DIAZ: Okay. We're not off the  
5 record, we're on the record.

6 And we got the schedule on the record.  
7 Okay. Then -- Mr. Huckman.

8 MR. HUCKMAN: Just one cleanup; there was a  
9 schedule previously set in anticipation of a HEPO  
10 coming out further in this case. I assume that  
11 today's schedule replaces that schedule.

12 JUDGE O'CONNELL-DIAZ: I think the ruling that I  
13 made that went out to all the parties superceded any  
14 schedule, but thank you.

15 Okay. Then we will reconvene on the  
16 24th for the evidentiary hearings in that matter.

17 (Whereupon, the above-entitled  
18 matter was continued to  
19 April 24, 2001 at 10:00 a.m.)  
20  
21  
22

CERTIFICATE OF REPORTER

STATE OF ILLINOIS )  
COUNTY OF COOK )

CASE NO. 00-0789/01-0046

TITLE: Patrick Quinn and Cook County

I, Giraida B. Bordabeheres, do hereby certify

that I am a court reporter contracted by SULLIVAN

REPORTING COMPANY, of Chicago, Illinois; that I

reported in shorthand the evidence taken and the

proceedings had in the hearing on the above-entitled

case on the 7th day of March A.D. 2001; that the

foregoing 29 pages are a true and correct transcript

of my shorthand notes so taken as aforesaid, and

contains all the proceedings directed by the

Commission or other person authorized by it to

conduct the said hearing to be stenographically

reported.

Dated at Chicago, Illinois, this 2nd day  
of April A.D. 2001.

  
REPORTER